

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

United States

v.


Case No. 07-cr-144-01-SM

Richard Ellison

ORDER

Re: Document No. 19, Motion for Subpoena for Suppression  
Hearing/Trial

Ruling: Denied. Under the provisions of L. Cr. R. 17.1(a) up to five subpoenas are available to appointed counsel for the asking. More than five requires prior court approval. While the line might be drawn in different places, the rule recognizes that appointed counsel's judgment, as officers of the court, can generally be relied upon and the public expense associated with issuing and serving subpoenas, as well as the inconvenience imposed upon those subject to issued subpoenas, will by and large be warranted. Beyond five, however, the court must be satisfied that the costs and impositions are actually warranted and counsel must justify the additional expense and inconvenience to those whose personal appearance is desired. The motion for eight subpoenas makes no effort at all to justify the need for more than five. Counsel has been provided with the five permitted by rule, and the balance is denied for failure to offer any explanation or justification for the additional three.

  
Steven J. McAuliffe  
Chief District Judge

Date: November 26, 2007

cc: Michael R. Smith, Esq.  
Don Feith, AUSA  
US Marshal  
US Probation